G.R.S. IX—5]

Previous references 1922. File No. Le 35

378 of 8.= L-11 (Anuzrai) Serial Nos. 1—4

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for June 23

SUBJECT

Appeal petition by Balanagowda re the restoration to him of the deity of Kariyamma devaru at Chowkahalli & the jewellery belonging thereto

To H.C. Mercy Court

No 3058 of 24-6-23

(Le)

Statistical Tk Kasaba is a non Anuzrai petition the question one for adjudication by Competent Civil Court

G. R. S. III—1] 1922-23.

GENERAL AND REVENUE SECRETARIAT.

(Muzrai)

NOTES.

File No. 435-22.

FILE HEADING.

Appeal petition of Badaregauda of Ghatnahalli, Halekeid Hobli, Belur Taluk, against the order of the D. C. Hassan re: the restoration to him of the Deity of Kanigamma removed at the places the jewellery belonging thereto.

From

Petitioner Badaregauda, son of Kanigauda of Ghatnahalli, Halekeid hobli, Belur Taluk.

Appeal No. Petition Dated 15. 2. 23. Received 17. 2. 23.

Diary No. 1635	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Appeals against the order of the D.C. Commr. of Hassan rejecting his petition praying for the restoration of the Deity & jewellery which had been taken away from him of the above temple and prays that the connected records may be called for & the order of the D. C. revised so as to restore the Deity & jewels to his possession of the temple

NOTES AND ORDERS.

pl. 2 To the Muzrai Commr. in Mysore

No. 2372 d. 27. 2. 23. —— Forwards the above for disposal.

pl. 3. From the Muzrai Commr. in Mysore. No. C. 12440/22-23 d. 4. 6. 23. —— States that [illegible]

General and Revenue Secretariat.

Mwz. File No. 435 of 1922-23.

Serial No.

received from the D.C. it is seen that though the temple is a non-Muzrai institn, the Amildar seems to have taken action under Section 9 of the Muzrai Regulation to set right the affairs of the temple which was reported to be mismanaged, that the action of the Amildar in constituting a Committee of Management & transferring the properties to its charge was approved by the Sub-Division Officer, that the 1st Commr to whom the petitioner appealed rejected the petition saying that the petitioner's remedy lay in filing a suit in a Court of Law (Civil) for the recovery of the properties & that he had no jurisdiction, & that under the circumstances an appeal lies only to Govt under Section 22 of the Regulation & solicits orders in the matter.

A copy of the Muzrai Regulation is [illegible] Mwz. file 378-09 recd to Regr's petitioner in his [illegible]

[illegible] (the 1st Comr's order appealed) against) shows that he considered the action of the Amildar & the [illegible] abandoned without [illegible] of the [illegible] & dismissed the appellant's [illegible] without recording the [illegible] reasons.

Which also gives a succinct but clear history of the case +

General and Revenue Secretariat.

Mwz. File No. 435 of 1922.

Serial No.

The temple is a non Muslim affair and the Govt. need not interfere in its affairs. The parties may approach the competent courts. No Muslim question is involved according to me.

B.G. 8/6/23

Rev Secy) 10/6/23

A Appears to be the View of the Trust Members

HJ 11/6/23

10206-357 12.6.23

I also agree in this case. Further action may be taken accordingly.

Secy 13.6.23 W 13/6/23

Draft

SS 13/6/23

Draft letter to the Mwz. is submitted for sig. please.

MKV. 15.6.23. BG 15/6/23

Home Dept 16/6/23

NOTE—Contn. sheet

General and Revenue Secretariat.

File No. 435 of 1922-23

Serial No.

No. 3058 dt 19/6/23 to the Hon. Omar.

States that, as the temple is a Non-Muzrai Institution, the Question is one for adjudication by a Competent Civil Court and that Govt. Cannot interfere in the matter

C 12447 ma 4/46
Elwafile

Office of the Muzrai Commissioner in Mysore,
Dated, Bangalore, the 30th May 1925.

From

K. Chandy, Esq., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

SECTARIAT 5-JUN 1923 MUZRAI D 2204

MM JUN 1925

To

T.E. Jayarama Aiyar, Esq., B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department,
Bangalore.

Sir,

With reference to your No.2572/Muz. of the 26th February last forwarding for disposal appeal petition of Badavegowda of Chatramalli Halebid Hobli, Belur Taluk, against the order of the Deputy Commissioner, Hassan District, in the matter of the restoration to the petitioner's possession, of the deity of Kariammanavaru at the place, and the jewellery belonging to the said deity, I have the honor to state that in order to ascertain the exact circumstances of the case the records were called for. The records received with the Deputy Commissioner's letter No.451 of the 27th April 1925 show that though this temple is a non-Muzrai institution, the authorities seem to have taken action under Section 9 of the Muzrai Regulations to set right the affairs of the temple, which were reported to be mismanaged. This action of the authorities consisted in constituting a Committee for the management of the temple and in ... the operations of the Committee the Committee was approved by the Sub Division Officer, Belur, but it was in conformity with Section ... of the Muzrai ... the petitioner Badavegowda ... appealed to the Deputy Commissioner against ..., the Deputy Commissioner has ... was no ... the petition ... the proper ... the case ... competent ... the petition ...

Yes

that the petitioner's remedy was to file a suit for the recovery of the properties if he was entitled to them. The observation of the Deputy Commissioner in regard to the unauthorized action of the Amildar under Section 9 of the Muzrai Regulation is quite pertinent since according to the Regulation it is only the Deputy Commissioner or Assistant Commissioner specially empowered as Muzrai Officer who is competent to take action under Sections 8 and 9 of the Regulation and against such an order a suit may be filed in a District Court vide Section 12. In the present case, the Deputy Commissioner having said that there is no jurisdiction, an appeal lies only to Government according to Section 32 of the Regulation.

In these circumstances, I beg to submit the entire records and the appeal petition with its enclosures for favour of orders of Government.

I have the honor to be,

S i r,

Your most obedient servant,

K. Kaundy

Muzrai Commissioner.

D.I.

Muz 4]

SUBJECT Informs the Muzrai Commr that Govt cannot interfere with the Dy Commr's order on the appeal petition of Badrugowda of Khatnahalli, Belur Hk, in the matter of the restoration of the deity's jewels of Kanivamma Devasthana Temple at the place to the petitioners.

Diary No. of letter replied to 2204/11 - 21

Section Muz

File No. 435-22

Serial No. 4

Muzrai Secretariat

( )

, *the* 192

No. 3058 one file of records with the original petn.

Date of issue 19.6.23

To

The Muzrai Commr, Bangalore.

Signed by Mr. D.C. Subbarayappa

Sir,

Adverting to your letter No. 4.12404/22-21 dated 4th June 1923 submitting petition against the order of the Dy Commr, Hassan Dt. in the matter

over.

Of the possession

of the restoration of the deity of

Kanjanwar Ramier at the place together in

~~that~~ the jewels belonging to the said

~~which had been taken away from~~

deity ~~in the possession of the~~

~~petitioner~~, I am directed to state

that as the temple is a non-

official institution, ~~Govt agree~~

~~with the Board in thinking~~

~~that~~ the ~~matter~~ Question is one for ad-

judication by a competent Civil

Court and that Govt cannot

interfere in the matter. The peti-

tion may be disposed accord-

ingly

2. The ~~papers~~ correspondence received in

connection with the petition are here

with returned.

I have etc.,

Secretary to Govt,

Revenue

15/6/23

List of enclosures.

Copied by

Examined by

WD 0563—GPB—2,500—27 7 22